

Email from BCDC re Jurisdiction (Russell City EC)

>>> Ellen Sampson <ellens@bcdc.ca.gov> 12/29/06 11:48 AM >>>
Shaelyn,

Thank you for providing me with a copy of the "Amendment No. 1" for Russell City Energy Center that was given to the CEC. This document appears to confirm our prior determination that this site is not within BCDC's jurisdiction.

Regards,
Ellen Sampson

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Ellen M. Sampson
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>>> Ellen Sampson <ellens@bcdc.ca.gov> 12/12/06 8:53 AM >>>
December 12, 2006

Subject: Proposed energy facility in Mt. Eden, Hayward
BCDC Inquiry File No. AL.HY.7125.2

Dear Ms. Stratton,

I have reviewed the quad maps you sent to me for the proposed energy project that would be located just east of ponds marked as "salt evaporators," just north of the "sewage disposal" facility, and just south of Depot Road in Hayward. A review of the maps and our brief conversation provide the only information I have on this project. I have also reviewed BCDC permits M85-83 and M86-45 that cover projects nearby, and I have reviewed our "inquiry file" for Hayward that contains other jurisdictional determinations for proposed projects in the area.

Our agency has jurisdiction over the salt ponds and their levees, as well as tidal waters and a 100-foot-wide shoreline band. Assuming the project site is not subject to tidal action nor located within 100 feet of any area subject to tidal action, and that the project would not touch the salt pond levees, I have determined that the project site is not subject to BCDC's jurisdiction. However, the areas west and southwest of the proposed project site contain restored tidal and seasonal wetlands and public access. One point of access to these ponds is, I believe, along Depot Road or the access road to the sewer treatment plant. The project might have adverse impacts on public access and on this large area of open space. Please circulate the environmental document to us for our review so that we can understand the project better and make any relevant comments.

Regards,

Ellen Sampson
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